

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ALLEN HESS and DYNESE  
MOUZAKIS,

No. C 11-00458 WHA

Plaintiffs,

**ORDER OF DISMISSAL**

v.

SELECT PORTFOLIO SERVICING, INC.,  
QUALIFY LOAN SERVICING  
CORPORATION, and DEUTSCHE BACK  
NATIONAL TRUST COMPANY,

Defendants.

Upon reassignment of this case to the undersigned and pursuant to the reassignment order, defendants Select Portfolio Servicing and Deutsche Bank National Trust Company filed a motion to dismiss plaintiffs' complaint. Defendants noticed the hearing for April 28, 2011. Pursuant to Civil Local Rule 7-3, any brief in opposition to defendants' motion was due on April 7, 2011, but no such opposition was received. On April 8, plaintiffs were ordered to show cause why the action should not be dismissed for failure to prosecute. Plaintiffs were ordered to respond by April 29, but no response has been received. Plaintiffs were explicitly warned: "If [they] do not respond by April 29, 2011, this case will be dismissed for failure to prosecute." As plaintiffs —

1 after being clearly warned that dismissal was imminent — have failed to prosecute this action, it  
2 is **DISMISSED**. Judgment will be entered in favor of defendants and against plaintiffs.

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4 **IT IS SO ORDERED.**

5 Dated: May 3, 2011.



6 WILLIAM ALSUP  
7 UNITED STATES DISTRICT JUDGE  
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